

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GILFORD LOVELL,

Plaintiff,

v.

No. 9:18-CV-0685

**SUPERINTENDENT MCAULIFFE; ACTING
CAPTAIN MCCABE; and SERGEANT FURNACE,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for report and recommendation. Magistrate Judge Hummel issued a Report-Recommendation and Order on May 1, 2019 which addresses Defendants' Motion for Summary Judgment (Dkt. No. 14). See 05/01/19 Rep.-Rec. & Ord. (Dkt. No. 20). Magistrate Judge Hummel recommends that Defendants' Motion for Summary Judgment be denied. (*Id.*) No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

II. DISCUSSION

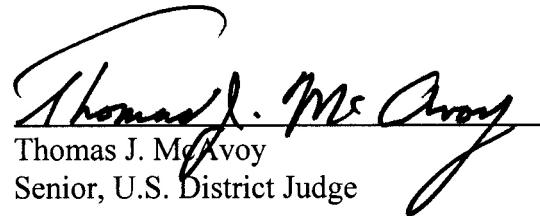
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 20) for the reasons stated therein. Defendants' Motion for Summary Judgment (Dkt. No. 14) is **DENIED**.

IT IS SO ORDERED.

Dated: August 30, 2019



Thomas J. McAvoy
Senior, U.S. District Judge